

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILFREDO SMITH,)	
)	Civil Action No. 03 - 1986
Plaintiff,)	
)	Chief Judge Donetta W. Ambrose
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
FAYETTE COUNTY PRISON,)	
)	
Defendant.)	

ORDER

The above captioned case was received on December 29, 2003, and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation filed on November 9, 2005, recommended that the immediate action be dismissed for failure to prosecute due to Plaintiff's failure to complete and Authorization to permit withdrawal of funds from his prisoner account, or to otherwise pay the filing fee, and for failing to comply with an order to show cause why this case should not be dismissed. The Plaintiff was served at Fayette County Prison, 12 Court Street, Uniontown, Pennsylvania 15401.¹ No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is

¹The Court's show cause order was returned unopened by Fayette County Prison although Plaintiff has never filed a change of address with the Clerk of Court. Although the report and recommendation advises that Plaintiff is allowed ten (10) days from the date of service to file written objections, the Court has no way of effectuating proper service without a valid address.

entered:

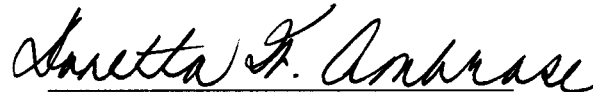
AND NOW, this 8th day of dec, 2005;

IT IS HEREBY ORDERED that this action is **DISMISSED** for Plaintiff's failure to prosecute .

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated November 9, 2005, is adopted as the opinion of the court.

Dated:

By the Court:



Donetta W. Ambrose
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Wilfredo Smith
Fayette County Prison
12 Court Street
Uniontown, PA 15401